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MEMORANDUM FOR THE RECORD

SUBJECT: Board of Inquiry - Francis Gary Powers

1. On 7 March Dr. Louis W. Tordella, Deputy Director, National Security Agency, informed me that he wished to make a written record in connection with certain points in the transcript of the meeting between the Director of Central Intelligence and the Board of Inquiry in the Francis Gary Powers case on 1 March 1962.

2. Dr. Tordella said that contrary to the statement of Mr. Gross recorded in the transcript it did not take "questioning and cross-examination" to bring out evidence to "contradict or invalidate this story." Dr. Tordella stated that he personally pointed out that the account being presented by NSA was the

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[redacted] He finds it difficult to accept Mr. Gross' characterization of the NSA briefing as being presented "very vehemently and very positively." He requested that the implication of lack of objectivity and lack of deliberately phrased technically accurate statements be countered

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[redacted] He stated that the lack of any other adequate technical explanation for the data at hand inevitably leads to a statement of the nature made by NSA for which NSA finds no technically acceptable alternative. I said I would be glad to record his views with the transcript of the testimony involved, which in any case would not be disseminated but would be kept in three copies under control of my office.

3. Dr. Tordella then said there were several errors of fact, one of which was serious, which should be corrected for the record:

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b. On page 35, Mr. Gross who had been talking about the NSA evidence states that "the Agency" arrived at the theory of a flameout and shoot down at lower altitude. I agreed with Dr. Tordella that the Agency involved here was obviously CIA and not NSA.

c. On page 27, [redacted] stated, ". . . and we know now that the Russians knew that plane was coming in before it ever crossed the border--they were on it all the way." If taken out of context this could be interpreted to mean that the Russians had advance knowledge of the flight, thus indicating some sort of a penetration of the project. However, it is clear that the Judge was referring to the fact that the Russian early-warning radars reported the U-2 before it crossed the Russian border. It should not, therefore, be interpreted as a compromise or as implying that the information was obtained from espionage.

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I told Dr. Tordella that the record on these three points would be filed with the transcript involved so that it would be necessary to read these points in any review of the transcript.

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LAWRENCE R. HOUSTON

General Counsel

OGC:LRH:jeb

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